



CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed March 16, 2020

United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

| | | |
|---------------------------|---|-----------------------|
| IN RE: | § | |
| SYNERGY FABRICATION, INC. | § | CASE NO. 19-45206-ELM |
| | § | |
| DEBTOR | § | CHAPTER 7 |
| | § | |

**ORDER GRANTING AGREED MOTION RELATING TO RELIEF FROM THE AUTOMATIC
STAY TO PAY PROCEEDS FROM THE SALE OF COLLATERAL TO LANDLORD
PURSUANT TO FEDERAL BANKRUPTCY RULE 4001(d)**

ON THIS DAY come on for consideration the Agreed Motion Relating to Relief from the Automatic Stay to Pay Proceeds from the Sale of Collateral to Landlord Pursuant to Federal Bankruptcy Rule 4001(d) (the "Motion") jointly submitted by Shawn K. Brown, Trustee of the bankruptcy estate of Synergy Fabrication, Inc. (the "Trustee") and Hal Allen Family, LP ("HAF"), and after considering the Motion this Court finds that cause exists to grant the relief requested in the Motion as set forth herein.

It is therefore, ORDERED that the Motion is Granted as set forth herein:

1. The terms of the agreement between the Trustee and HAF attached hereto as Exhibit A are approved, and relief from the automatic stay is hereby granted to allow the Trustee and HAF to carry out such agreement;
2. Relief from the automatic stay is specifically granted to allow HAF to be paid from the proceeds of the sale of the Debtor's bankruptcy estate property pursuant to the agreement between the Trustee and HAF as set forth in Exhibit A attached hereto.

END OF ORDER

EXHIBIT A

- a. HAF's has a pre-Petition Date secured claim under the Lease which shall be an allowed secured claim in the amount of \$69,354.24, secured by the inventory, equipment, and assets of the Debtor that will be sold via the Sale Motion;
- b. HAF has a post Petition Date secured claim for January 2020 and February 2020 rent under the Lease which shall be an allowed secured claim in the amount of \$17,000, secured by the inventory, equipment, and assets of the Debtor that will be sold via the Sale Motion;
- c. Subject to paragraphs e and f herein, the amount owed to HAF for its pre Petition Date and post Petition Date secured claims will be paid from the proceeds of the sale of the Debtor's assets pursuant to the Sale Motion and subsequent order approving same;
- d. The Trustee / Debtor's bankruptcy estate shall turn over to HAF full possession of the property that is the subject of the Lease on or before March 1, 2020 and such property shall be broom clean.
- e. HAF shall share in the hard costs of the auction of the Debtor's assets on a pro-rata basis. For example, if the auctioned assets bring a total of \$200,000, and the hard costs are \$10,000, then HAF's share of the costs of the auction will be \$4,317.71 ($\$86,354.24 / \$200,000 = 43.17\%$; $43.17\% \times \$10,000 = \$4,317.71$). The hard costs share will be deducted from the amount owed to HAF under its secured claims.
- f. The Trustee shall promptly pay to HAF proceeds from the sale of the Debtor's assets pursuant to the Sale Motion and subsequent order an amount equal to the lesser of: (a) \$86,354.24 less HAF's share of the hard costs of the auction, or (b) the proceeds from the sale of the Debtor's assets pursuant to the Sale Motion and subsequent order less HAF's share of the hard costs of the auction.
- g. Upon receipt of payment of its pre and post Petition Date secured claims, HAF will release any claim that it has for rent under the Lease after February 29, 2020, and legal costs and fees incurred post Petition Date.

Agreed

Agreed

The Law Office of Shawn K. Brown PLLC

/s/ Shawn K. Brown

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